

**Commissioners Meeting Minutes**  
June 2, 2008

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Holmes, Frye, Haywood, Kemp and Lanier were present. Rev. Dean Pollard, North Ridge Church, Asheboro, gave the invocation and everyone recited the Pledge of Allegiance.

**Special Recognition**

Chairman Holmes recognized and congratulated Public Library staff member Amanda Ratliff, who was named Parent Educator of the Year and received the Parents as Teachers Program Award at the 2008 Parents as Teachers Conference in St. Louis, Mo., on April 1. She has been Coordinator for the Franklinville Parents as Teachers Program for the last five years and is based at the Franklinville Library.

**Public Comment Period**

Pursuant to N.C.G.S. § 153A-52.1, Chairman Holmes opened the floor for public comment. Hearing none, the public hearing was closed.

**Approval of Consent Agenda**

*On motion of Frye, seconded by Kemp, the Board voted unanimously to approve the Consent Agenda, as follows:*

- *approve minutes of regular meeting and closed session of May 5, 2008;*
- *reappoint Sally Robbins to the Randolph County Nursing Home Community Advisory Committee;*
- *reappoint Gail Briles, Vicki Cox, and Stephen Jones, Jr. to the Regional Partnership Workforce Development Board;*
- *reappoint Rebecca Faucette to the Randolph County Consolidated Mental Health Board;*
- *reappoint Phil Ridge to the Randolph County Planning & Zoning Board & Board of Adjustment;*
- *approve Budget Amendment #2 (2007 Certificates of Participation)-Rural Water Infrastructure Capital Project Ordinance, and Budget Amendment #7-County Schools Capital Project Ordinance, as follows:*

<b><i>RURAL WATER INFRASTRUCTURE CAPITAL PROJECT ORDINANCE— AMENDMENT #2</i></b>		
<b><i>Revenues</i></b>	<b><i>Increase</i></b>	<b><i>Decrease</i></b>
<i>Debt Issued</i>		<i>\$8,258</i>
<i>Interest Earned</i>	<i>\$11,700</i>	
<b><i>Appropriations</i></b>	<b><i>Increase</i></b>	<b><i>Decrease</i></b>
<b><i>Hwy 22 Water Line</i></b>		
<i>Contracted Services</i>		<i>\$26,557</i>
<i>Engineering Fees</i>		<i>\$86,306</i>
<i>Miscellaneous</i>		<i>\$46,205</i>
<i>Utility Construction</i>	<i>\$162,510</i>	

<b>COUNTY HIGH SCHOOLS CAPITAL PROJECT ORDINANCE— AMENDMENT #7</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Debt Issued</i>	\$2,206,970	
<i>Interest Earned</i>	\$1,300,000	
<i>Sales Tax Refunds</i>	\$362,270	
<i>Miscellaneous</i>	\$172,250	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Providence Grove High School</i>		
<i>Land</i>	\$3,622	
<i>Construction</i>	\$320,920	
<i>Miscellaneous</i>	\$50,000	
<i>Contingency</i>		\$374,542
<i>Wheatmore High School</i>		
<i>Professional Services—Architect</i>	\$74,800	
<i>General Construction</i>	\$3,295,645	
<i>Land</i>		\$29,425
<i>Miscellaneous</i>	\$50,000	
<i>Contingency</i>	\$107,412	
<i>Administrative Costs</i>	\$543,058	

- approve Budget Amendment #52 (Brownfield Agreement), as follows:

<b>2007-2008 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #52</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Restricted Intergovernmental</i>	\$175,000	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Public Works</i>	\$175,000	

- approve Budget Amendment #53 (Highway 64 Water Line Engineering Contract) and Budget Amendment #3-Rural Water Infrastructure Capital Project Ordinance, as follows:

<b>2007-2008 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #53</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Appropriated Fund Balance</i>	\$159,500	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Transfer to Rural Water Capital Project</i>	\$159,500	

<b>RURAL WATER INFRASTRUCTURE CAPITAL PROJECT ORDINANCE— AMENDMENT #3</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Transfer from General Fund</i>	\$159,500	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Engineering Services</i>	\$159,500	

- approve Budget Amendment #54 (DSS-Smart Start & Adoption Rewards), as follows:

<b>2007-2008 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #54</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Restricted Intergovernmental</i>	\$59,907	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Restricted Intergovernmental</i>	\$59,907	

### **Addition to Agenda**

Chairman Holmes announced that *Item P. Closed Session for Personnel* had been added to the agenda.

### **D.O.T. Secondary Roads Improvement Program Public Hearing and Adoption of Resolution**

Reuben Blakley, Department of Transportation District Engineer, presented the 2008-2009 Secondary Roads Improvement Program and reviewed the expected allocations listed in the resolution that follows.

At 4:10 p.m., Chairman Holmes opened the duly advertised public hearing, and hearing no comments, closed the public hearing.

*On motion of Haywood, seconded by Frye, the Board voted unanimously to adopt the following resolution approving the 2008-2009 Secondary Roads Improvement Program, as presented:*

**WHEREAS**, the North Carolina Department of Transportation anticipates in July 2008 an allocation of \$2,112,558 and remaining funds of \$0 from the previous **Secondary Road Improvement Program**, a total of \$2,112,558 for Secondary Road Improvements in Randolph County for fiscal years 2008-2009. A public meeting was held on June 2, 2008 in the Randolph County Commissioners Meeting Room on the expenditures of said funds:

**WHEREAS**, it is proposed to utilize approximately \$455,000 to construct roads down the priority list as far as possible, provided rights of way are available:

### **PROGRAM SUBJECT TO AVAILABILITY OF FUNDING, RIGHT-OF-WAY, AND ENVIRONMENTAL REVIEW**

<u>Priority No.</u>	<u>SR No.</u>	<u>Road Name</u>	<u>From</u>	<u>To</u>	<u>Miles</u>	<u>Description</u>	<u>Cost</u>
10 Rural	2448	Routh Rd	SR 2453	SR 2449	1.30	G,D,B,P&EC	\$455,000

**WHEREAS**, it is proposed to retain \$87,788 of the total allocation for spot stabilization, paved road improvements, replace small bridges with pipe, or safety projects.

**WHEREAS**, it is proposed to utilize \$1,569,770 for pave road improvements on SR2834 (Old Cox Rd) From NC 159 to SR 2830 (Old Humble Mill Rd) for 1.68 miles, SR 1917 (Suits Rd) from US 311 to New Pavement Joint at SR 1918 (Trotter Country Rd) for 0.68 miles, SR 1344 (Old US Hwy 64) From US 64 to Davidson County Line for 3.1 miles, and SR 2344 (E. Presnell St) From US 220 Business to Farr St for 0.72 miles. {According to G.S. 136-44.5b}

**WHEREAS**, the North Carolina Department of Transportation anticipates in July 2008 an allocation of \$2,541,788 and remaining funds of \$1,392,040 from the North Carolina **Highway Trust Fund**, a total of \$3,933,828 for Secondary Road Improvements in Randolph County for fiscal years 2008-2009. A public meeting was held on June 2, 2008 in the Randolph County Office Building on the expenditures of said funds:

**WHEREAS**, it is proposed to utilize approximately \$3,765,500 to construct roads down the priority list as far as possible, provided rights of way are available:

<u>Priority No.</u>	<u>SR No.</u>	<u>Road Name</u>	<u>From</u>	<u>To</u>	<u>Miles</u>	<u>Description</u>	<u>Cost</u>
8 Rural	2849A	Bachelor Creek Rd	End of Pav't	SR 2845	1.90	G,D,B,P&EC	\$807,500
9 Rural	2100	Deerfield Country Rd	End of Pav't	End of Maint	0.30	G,D,B,P&EC	\$127,500
11 Rural	2288	Marclif Rd	SR 2141	End of Maint	0.32	G,D,B,P&EC	\$136,000
12 Rural	2477	Wright Country Rd	End of Pav't	US 64	1.60	G,D,B,P&EC	\$680,000

13 Rural	2545	Goldfield Rd	NC 49	SR 2470	0.20	G,D,B,P&EC	\$85,000
14 Rural	1511	Heath Dairy	End of Pav't	SR 1712	0.70	G,D,B,P&EC	\$297,500
16 Rural	2436	Wall Rd	End of Pav't	SR 2459	0.6	G,D,B,P&EC	\$255,000
18 Rural	1111B	Mt. Lebanon Rd	SR 1114	SR 1112	2	G,D,B,P&EC	\$850,000
19 Rural	2502	Julian Airport Rd	SR 2407	Center of Cul-De-Sac	0.25	G,D,B,P&EC	\$106,250
20 Rural	1331	Ridges Mountain	End of Pav't	Pav't at Bridge Proj.	1.29	G,D,B,P&EC	\$548,250
21 Rural	2831B	Fairview Farm Rd	SR 2845	SR 2833	1.9	G,D,B,P&EC	\$807,500

***WHEREAS**, it is proposed to retain \$168,328 of the total allocation for property owner participation paving and overruns.*

***BE IT RESOLVED** that all of the above be carried out by the Department of Transportation.*

### **Public Hearing; Adoption of Historic Landmark Preservation Commission Ordinance; Appointment of Members and Officers**

Hal Johnson, County Planning and Zoning Director, presented a proposed ordinance for the establishment of a Randolph County Historic Landmark Preservation Commission. He reminded the Board that he had presented the ordinance to them in May, where the Board set a public hearing for today at 4:30 p.m. Mr. Johnson said that the public hearing had been duly advertised.

At 4:30 p.m., Chairman Holmes opened the public hearing. Hearing no comments, the Chairman closed the public hearing.

Board members discussed the proposed ordinance and decided to amend the proposed ordinance, as follows: 1) limit the number of terms a member can serve to two terms, following the initial staggered term; and 2) add an alternate member slot to the membership composition.

*On motion of Kemp, seconded by Frye, the Board voted unanimously to approve the Historic Landmark Preservation Commission Ordinance, as follows:*

#### *An Ordinance Creating the Randolph County Historic Landmark Preservation Commission*

***WHEREAS**, natural heritage and related historical landmarks are some of Randolph County's most valued and important assets; and*

***WHEREAS**, the conservation and preservation of historical landmarks can enhance the quality of life for residents and can foster economic development by helping to sustain heritage tourism resources; and*

***WHEREAS**, the North Carolina General Statutes authorize local governments to safeguard historic landmarks that embody important elements of the county's culture, history, architectural history, or prehistory, and to promote the use of historic landmark preservation for the education, pleasure, and enrichment of the residents of the county and State as a whole; and*

***WHEREAS**, the Randolph County Board of Commissioners has received recommendations from the Randolph County Heritage Committee and petitions from the Randolph County Historical Society requesting that a Randolph County Historical Preservation Commission be established; and*

***WHEREAS**, the Randolph County Board of Commissioners does therefore desire to create a Commission to be known as the Randolph County Historic Landmark Preservation Commission to perform those duties of designating and regulating historic landmarks pursuant to North Carolina General Statutes as related to Historical Landmarks and the provisions of this Ordinance.*

***NOW, THEREFORE, BE IT ORDAINED BY THE RANDOLPH COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:***

#### **Section 1. Short Title**

*This Ordinance shall be known as the "Randolph County Historic Landmark Preservation Ordinance."*

## **Section 2. Authority**

*The Randolph County Historic Landmark Preservation Commission shall have the powers and authority prescribed in North Carolina General Statutes Chapter 160A, Article 19, Part 3C, Historic Districts and Landmarks as set out in this ordinance. This ordinance shall be in effect in all unincorporated areas of Randolph County and may be adopted by reference and inter-local agreement by the governing board of a participating municipality.*

## **Section 3. Purpose**

*The purpose of establishing the Randolph County Historic Landmark Preservation Commission herein after referred to as "Commission," shall be:*

- A. To safeguard the heritage of the County and participating municipalities by preserving any historic landmarks therein that embody important elements of its cultural, social, economic, political, archeological, or architectural history; and*
- B. To promote the use and conservation of landmarks for the education, pleasure, and enrichment of Randolph County and the State of North Carolina; and*
- C. To provide for designation of properties as a landmarks on the basis of individual merit and special historical significance and integrity, pursuant to N.C. General Statute 160A, Sections 400.5, and 400.6. The designation of a landmark shall be effective through the adoption of an ordinance by the Randolph County Board of Commissioners or the governing board of the participating municipality; and*
- D. To adopt principles and guidelines for new construction, alterations, additions, moving and demolition of designated historic landmarks.*

## **Section 4. Historic Landmark Preservation Commission**

### **A. General Requirements.**

- (1) Membership. The Commission shall consist of nine (9) members appointed by the Randolph County Board of Commissioners as follows:*
  - a. One shall be appointed from each of the five (5) county commissioner districts; and*
  - b. Three (3) at-large members shall be appointed; and*
  - c. The Randolph County Planning Director shall serve as the ninth voting member.*
  - d. One at-large alternate member having voting powers in the absence of a regular member.*

*In selecting individuals to fill the appointed seats described in paragraphs (a) and (b) above, the Board of County Commissioners shall consider those citizens who have demonstrated a special interest, experience, or education in history, archaeology, preservation, architecture, real estate, law, local government, or a related area.*

- (2) Tenure. All members of the Commission serve at the pleasure of the Board of County Commissioners and may be removed by the board at any time. With the exception of the Randolph County Planning Director, whose membership is perpetual, members of the Commission shall serve staggered three- (3-) year terms. Initially, three (3) members shall be appointed for a three- (3-) year term; three (3) members shall be appointed for a two- (2-) year term; and two (2) members shall be appointed for a one- (1-) year term. Following expiration of these initial terms, all appointments shall be for a term of three (3) years. Except for initial terms, no member may serve more than two (2) consecutive three- (3-) year terms.*
- (3) Vacancies. Any vacancy on the Commission shall be filled by appointment for the remainder of the unexpired term.*
- (4) Officers. The Randolph County Board of Commissioners shall designate the Chairman and the Vice Chairman of the Commission. Advisory committees may be appointed by the Chairman of the Commission as necessary.*
- (5) Compensation of Members. Compensation of members for service on the Commission, if any, shall be established by the Randolph County Board of Commissioners. Members may be reimbursed for travel expenses incident to the performance of their duties within the limits of funds appropriated for that purpose.*
- (6) Staff Support. The Commission shall be provided with staff support and administrative coordination by the Randolph County Planning Department.*

**B. Meetings.**

- (1) Meetings shall be held at the call of the Chairman of the Commission.*
- (2) Meetings shall be held in accordance with North Carolina law regarding open meetings and shall be governed by and conducted according to the by laws and rules of procedure adopted by the Commission.*
- (3) The Commission shall keep permanent minutes of all of its meetings, said minutes to record, at a minimum, its resolutions, proceedings, findings, recommendations, actions, and the attendance of its members. The minutes shall be public records and shall be housed permanently in the Randolph County Planning Department.*

**C. Appropriations.**

*The Randolph County Board of Commissioners may make appropriations to the Commission in any amount it may deem necessary for the Commission's effective operation.*

**Section 5. Commission Duties and Powers.**

**A. The Commission shall:**

- (1) Prepare and adopt by laws and rules of procedure.*
- (2) Prepare and adopt principles and guidelines for altering, restoring, moving, or demolishing properties designated as landmarks pursuant to this Ordinance.*
- (3) Undertake and adopt an inventory of properties of historical, architectural, archaeological, or cultural significance in Randolph County for use as a guide in identifying and evaluating possible landmarks. A copy of said report shall be forwarded to the Office of Archives and History, NC Department of Cultural Resources.*

**B. Resources.**

- (1) Make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area or object proposed for designation or acquisition and forward such investigation or report to the Office of Archives and History, NC Department of Cultural Resources, for its review and comment in accordance with Section 6(A) (2) of this Ordinance.*
- (2) Recommend to the Randolph County Board of Commissioners or the governing board of a participating municipality, any individual structures, buildings, sites, areas, or objects proposed to be designated by ordinance as "landmarks."*
- (3) Review and act upon proposals for alteration or demolition of designated landmarks, or for new construction on properties designated as landmarks.*
- (4) Cooperate with state, federal, and local governments in pursuance of the purposes of this Ordinance.*

**C. In addition to the duties and responsibilities in Paragraph A above, the Commission may:**

- (1) Prepare and recommend the official adoption of a preservation element as an addition to the Randolph County Growth Management Plan.*
- (2) Conduct educational programs with respect to historic properties and districts within its jurisdiction.*
- (3) Recommend to the Randolph County Board of Commissioners, or to the governing board of a participating municipality, that the landmark designation of any structure, building, site, area, or object be revoked or removed for cause.*
- (4) Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof, provided however that no member, employee, or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof.*
- (5) With prior authorization by the Randolph County Board of Commissioners, negotiate with the owner of a building, structure, site, area, or object for its acquisition or preservation, when such action is reasonably necessary or appropriate.*
- (6) With prior authorization by the Randolph County Board of Commissioners, acquire by any lawful means the fee, or any lesser included interest, including options to purchase, of any properties designated as landmarks to hold, manage, preserve, restore, and improve the same and to exchange or dispose of the*

*property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions, in order to secure appropriate rights of public access and/or to promote the preservation of the property.*

- (7) With prior authorization by the Randolph County Board of Commissioners, contract with the state, or the United States, or any other agency of either, or with any other organization, provided that the terms of said contract are not inconsistent state or federal law and when such action is necessary or desirable to accomplish the objectives of this Ordinance.*

## **Section 6. Designation of Historic Landmarks.**

### **A. Procedures.**

- (1) The process of having a building, structure, site, area, or object designated as a historic landmark may be instituted by the Commission, by the request of the Randolph County Board of Commissioners, or by application of the owner of said building, structure, site, area, or object.*
- (2) The Commission shall make or cause to be made an investigation and report, hereinafter the "Report" on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area or object proposed for designation as a landmark. This Report shall contain the following information:*
  - a. The name of the property to be considered for designation, including both common and historic names, is such can be determined; and*
  - b. The name and address of the current property owner; and*
  - c. The location of the proposed property, including the street address and parcel identification number; and*
  - d. The date of construction and of any later additions/alterations; and*
  - e. An assessment of the significance of the site or structure in accordance with the criteria for designation set out in Paragraph B below.*
  - f. An architectural or archaeological description of the area of the proposed site or structure, including a description of any outbuildings or appurtenant features proposed to be designated; and*
  - g. An historical description of the site or structure indicating its type, period and historical locality; and*
  - h. Photographs clearly depicting the proposed property, including views of all facades, pertinent details, and siting; and*
  - i. A clear description of the boundaries of the proposed designation.*
- (3) The Commission shall forward a copy of the Report to the Office of Archives and History, NC Department of Cultural Resources.*
- (4) The NC Department of Cultural Resources shall have thirty (30) days from its receipt of the Report to review said Report and to submit its comments and recommendations on the substance and effect of the designation of the proposed property as a landmark to the Commission. The failure of the NC Department of Cultural Resources to submit any such comments in a timely manner shall relieve the Commission, the Randolph County Board of Commissioners, and the governing board of any participating municipality of any responsibility to consider such comments on this matter.*
- (5) Following the expiration of the thirty (30) day comment period described in paragraph 4 above, the Commission and the Randolph County Board of Commissioners shall each hold a public hearing, provided however that they may satisfy this requirement through a joint public hearing held by the two bodies. Reasonable notice of the time and place thereof shall be given. At the conclusion of the public hearing, the Board of County Commissioners may adopt an ordinance designating one or more historic landmarks.*
- (6) Any landmark ordinance adopted as described above shall contain the following:*
  - a. a description of the property, including the land area of the property if applicable, designated in the ordinance; and*
  - b. the name or names of the owners of the property; and*
  - c. a description of those elements of the property that are integral to its historical, architectural, or archeological value; and*

- d. a requirement that the waiting period set forth in Section 7 of this ordinance be observed prior to the landmark's demolition; and*
- e. a requirement that any exterior or interior alteration of the landmark be subject to the provisions of Section 7 of this ordinance as provided below; and*
- f. any other information that the governing board deems necessary.*

- (7) Owners and occupants of the landmark shall be provided with copies of the adopted ordinance. Said copy shall be mailed to the owner's/occupant's last known address.*
- (8) One copy of the adopted ordinance shall be filed by the Commission in the office of the Register of Deeds of Randolph County, where it shall be indexed according to the name of the owner in the grantor and grantee indexes.*
- (9) One copy of the adopted ordinance shall be kept on file in the Office of the Clerk to the Randolph County Board of Commissioners, or in the office of the governing board of the participating municipality, and said copy shall be available for public inspection during normal business hours.*
- (10) One copy of the adopted ordinance shall be maintained by the Randolph County Planning Department, and by the Planning Department having regulatory jurisdiction over the landmark if the two are separate entities.*
- (11) The Commission shall notify the Randolph County Tax Assessor of the landmark designation, and the fact that the building, structure, site, area or object has been designated a landmark shall thenceforth be clearly indicated on the County tax records for so long as such designation remains in effect. This designation and any recorded restrictions on the property limiting its use due to such designation shall be considered by the Tax Assessor when appraising said property for taxation purposes.*

#### **B. Criteria.**

*In considering a landmark designation, the Commission, the Randolph County Board of Commissioners, and/or the governing board of a participating municipality shall consider the following:*

- (1) **Critical Part of County's Heritage.** Its value as an example of the architectural, cultural, economic, historic, social or other aspect of the heritage of Randolph County; and*
- (2) **Significant Historic Event.** Its location as a site of a significant historic event which may or may not have taken place within or involved the use of any existing improvements; and*
- (3) **Significant Person.** Its identification with a person or persons who significantly contributed to the architectural, cultural, economic, historic, social, or other aspect of the development of Randolph County; and*
- (4) **Important Architecture.** Its exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship; and*
- (5) **Distinctive Theme.** Representation of an architectural, cultural, economic, historic, social or other theme expressed through distinctive area, places, buildings, structures, works of art, or other objects that may or may not be contiguous; and*
- (6) **Unique Visual Feature.** Its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of Randolph County; and*
- (7) **Duration.** Its historical significance achieved for fifty (50) years or more; and*
- (8) **National Register.** Any criteria used by the National Register for evaluation of landmarks.*

#### **C. Signage.**

*A suitable sign, approved, purchased and erected by the Commission, designating the property as a landmark may be placed on the property once said designation is official with the consent of the property owner. Otherwise, the sign may be placed in the nearby public right-of-way.*

#### **D. Fees.**

*The Randolph County Board of Commissioners, upon recommendation of the Commission, may establish application fees.*



## ***Section 7. Alteration/Demolition of Designated Landmarks—Certificate of Appropriateness Required.***

### ***A. Exterior Features.***

*From and after the designation of a landmark, no exterior portion of a building or other structure (including masonry walls, fences, exterior light fixtures, steps and pavement, or other appurtenant features), nor any above-ground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on such landmark until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Commission. Such a certificate is required to be issued by the Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this ordinance. A Certificate of Appropriateness shall be required whether or not a building or other permit is required.*

*For purposes of this article, “exterior features” shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs and other appurtenant features. Exterior features may also include historic signs, color, and significant landscape, archaeological, and natural features of the area. In the case of outdoor advertising signs, “exterior features” shall be construed to mean the style, material, size and location of all such signs.*

### ***B. Interior Features.***

*The Commission shall have no jurisdiction over “interior features”, except as provided in this section, and shall take no action under this article except to prevent the construction, re-construction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, outdoor advertising signs or other significant features which would be incongruous with the special character of the landmark.*

*The jurisdiction of the Commission over interior features shall be limited to specific architectural, artistic, or historical significant features in publicly-owned landmarks; and of privately-owned landmarks for which consent for interior review has been given by the owners. Said consent of an owner for interior review shall bind future owners and/or successors in title, provided such consent has been filed with the Randolph County Register of Deeds and indexed according to the name of the owner of the property. The landmark designation shall specify the interior features to be reviewed and the specific nature of the Commission’s jurisdiction over the interior.*

### ***C. The State of North Carolina (including its agencies and political subdivisions), Randolph County, participating municipalities, and all public utilities shall be required to obtain a certificate of appropriateness for construction, reconstruction, restoration, alteration, moving or demolition of designated landmarks, or new construction on a landmark property.***

### ***D. Application Process.***

- (1) The application for a Certificate of Appropriateness shall be obtained from the office of the Randolph County Planning Director.*
- (2) The application shall be filed at least two (2) weeks prior to being considered by the Commission at a meeting.*
- (3) Sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail to clearly show the proposed alterations, additions, changes or new construction shall accompany each application.*
- (4) The names and mailing addresses of property owners filing the application and/or subject to the application and the addresses of property owners within one hundred (100) feet from all sides of the subject property must also be included with the application.*
- (5) Applications deemed incomplete shall not be accepted.*

#### **E. Advisory Committee Review.**

- (1) It shall be the policy of the Commission, in regard to applications involving new construction or extensive alterations and/or additions to existing structures, that an advisory committee of the Commission, including the Randolph County Property Development Advisory Team and the Randolph County Technical Review Committee, shall be available to meet with persons involved in planned or pending applications in order to advise them informally at an early stage in the development process concerning Commission guidelines, the nature of the area where the proposed project will take place, and other relevant factors.*
- (2) The members of the advisory committee, collectively and individually, shall refrain from any indication of approval or disapproval. Advice or opinions given by any member of the advisory committee at such an informal meeting shall not be considered official or binding upon the Commission.*

#### **F. Approval Process.**

- (1) An application for a Certificate of Appropriateness shall be acted upon within ninety (90) days of the filing of a complete application; otherwise, the application shall be deemed to be approved and a certificate shall be issued. An extension of time may be granted by mutual consent of the Commission and the applicant.*
- (2) The Clerk to the Commission, as appointed by the Chairman, shall notify, by mail, not less than one (1) week prior to the meeting at which the matter is to be heard, the owners and the owners of property within one hundred (100) feet from all sides of the subject property. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.*
- (3) As part of the review procedures, the Commission may view the premises and seek the advice of the Department of Cultural Resources or other such expert advice, as it may deem necessary under the circumstances.*
- (4) The Commission may hold a public hearing on any application when deemed necessary.*
- (5) The action on an application shall be: approval, approval with conditions, or denial.*
- (6) All decisions of the Commission must be supported by specific findings of fact indicating the extent to which the application is, or is not, congruous with the special character of the landmark.*

#### **G. Appeal.**

- (1) Any party aggrieved by the decision of the Historical Landmark Preservation Commission to grant or deny a Certificate of Appropriateness may appeal to the Randolph County Board of Commissioners.*
- (2) The appeal shall be made in writing within thirty (30) days of the decision of the Historic Landmark Preservation Commission. The appeal must state the reason(s) the decision should be overturned.*

#### **H. Administrative Approval of Minor Works**

- (1) Notwithstanding Section 7, Application, Commission Action and Appeal, upon receipt of a completed application the County Planning Director may issue a Certificate of Appropriateness for minor works.*
- (2) Minor works are defined as those exterior changes, which do not involve substantial alterations, or an addition, or removal that could affect the integrity of the landmark, and are limited to those listed in the Commission "Rules of Procedure."*
- (3) No application shall be denied without the formal action of the Commission.*
- (4) All minor works applications approved by the Planning Director shall be forwarded to the Commission for their review at the next regular meeting.*

#### **I. Review Criteria**

- (1) A Certificate of Appropriateness shall not be granted unless the Commission finds that the application complies with the principles and guidelines adopted by the Commission for review of changes. It is the*

*intent of these regulations to insure, insofar as possible, that the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features on landmarks shall be congruous with the special character of the landmark.*

- (2) In addition to the adopted principles and guidelines, the following features or elements of design shall be considered in reviewing an application for Certificate of Appropriateness:*
- a. Lot coverage, defined as the percentage of the lot area covered by primary structures.*
  - b. Setback, defined as the distance from the lot lines to the building.*
  - c. Building height.*
  - d. Spacing of buildings, defined as the distance between adjacent buildings.*
  - e. Proportion, shape, positioning, location, pattern, sizes, and style of all elements of fenestration and entry doors.*
  - f. Surface materials and textures.*
  - g. Roof shapes, forms and materials.*
  - h. Use of regional or local architectural traditions.*
  - i. General form and proportion of buildings and structures, and the relationship of additions to the main structure.*
  - j. Expression of architectural detailing.*
  - k. Orientation of the building to the street.*
  - l. Scale, as determined by the size of the units of construction and architectural details in relation to the human scale and also by the relationship of the building mass to adjoining open space and nearby buildings and structures; maintenance of pedestrian scale.*
  - m. Proportion of width to height of the total building facade.*
  - n. Archaeological sites and resources associated with standing structures.*
  - o. Effect of trees and other landscape elements.*
  - p. Major landscaping, which would impact known archaeological sites.*
  - q. Style, material, size and location of all outdoor advertising signs.*
  - r. Appurtenant features and fixtures, such as lighting.*
  - s. Structural condition and soundness.*
  - t. Walls, physical ingredients, such as brick, stone or wood walls wrought iron fencing, evergreen landscape masses, or combinations of these.*
  - u. Ground cover or paving.*
  - v. Significant landscape, archaeological, and natural features.*
- (3) The US Secretary of the Interior – “Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” shall be the sole principles and guidelines used in reviewing applications from the State of North Carolina for a Certificate of Appropriateness.*

#### ***J. Certain Changes Not Prohibited***

- (1) Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of a landmark which does not involve a change in design, materials, or exterior appearance thereof; the ordinary maintenance or repair of streets, sidewalks, pavement markings, street signs, or traffic signs; the construction, reconstruction, alteration, restoration or demolition of any such feature which the Building Inspector shall certify, is required for public safety because of an unsafe or dangerous condition.*

- (2) *Nothing herein shall be construed to prevent (1) the maintenance, or (2) in the event of an emergency, the immediate restoration, of any existing aboveground utility structure without approval by the Commission.*

**K. Demolition of Landmarks and Proposed Landmarks**

- (1) *Delay of Demolition of Landmark. An application for a Certificate of Appropriateness, authorizing the demolition, removal, or destruction of a designated landmark may not be denied except as provided in paragraph (4). However, the effective date of such a certificate may be delayed for up to 365 days from the date of approval. The Commission shall reduce the period of delay if it finds that the owner would suffer extreme hardship or be permanently deprived of beneficial use or return from such property by virtue of the delay. During the delay period, the Commission shall negotiate with the owner in an effort to find a means of preserving the building structure or site. If the Commission finds that a building, structure of site has no special significance, it shall waive all or part of such period of delay and authorize earlier demolition or removal.*
- (2) *Delay of Demolition of Proposed Landmark. If the Commission has voted to recommend the designation of a landmark, and final designation has not been made by the Board of Commissioners the demolition or destruction of any building, structure or site on the property of the designated landmark may be delayed by the Commission for up to 180 days or until the Board of Commissioners, or the governing board of the participating municipality, taken final action on the designation, whichever occurs first.*
- (3) *Prevention of Demolition by Neglect. The Board of Commissioners may enact an ordinance to prevent the demolition by neglect of any designated landmark. Such an ordinance shall provide the appropriate safeguards to protect property owners from undue hardship.*
- (4) *Denial of Demolition. An application for a Certificate of Appropriateness authorizing the demolition of a building, structure or site determined by the State Historic Landmark Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return, by virtue of the denial.*

**Section 8. Enforcement & Penalties**

- A. *The Randolph County Planning Director shall enforce compliance with the terms of Certificates of Appropriateness issued pursuant to this Ordinance. Failure to comply with the certificate shall be a violation of the County Code and is subject to legal enforcement action pursuant to N.C.G.S. 153A-123. This ordinance may also be enforced by appropriate equitable remedy issued by a court of competent jurisdiction, including, but not limited to, issuance of mandatory or prohibitory injunctions and orders of abatement.*
- B. *If any building, structure, site, area, or object designated as a landmark designated pursuant to this ordinance is about to be demolished whether as the result of deliberate neglect or otherwise, materially altered, remodeled, removed or destroyed, except in compliance with the ordinance or other provisions of this ordinance, the Historic Landmark Preservation Commission, or other party aggrieved by such action, may institute any appropriate action or proceedings to prevent such unlawful demolition, destruction, material alteration, remodeling or removal, to restrain, correct or abate such violation, or to prevent any illegal act or conduct with respect to such building, structure, site, area or object.*

**C. Effective Date**

*This ordinance shall become effective on date of adoption, June 2nd, 2008.*

*On motion of Frye, seconded by Haywood, the Board voted unanimously to appoint the members of the Historic Landmark Preservation Commission, as follows:*

<b><i>Representation</i></b>	<b><i>Member</i></b>	<b><i>Initial Staggered Term</i></b>
<i>County Planning Director</i>	<i>Hal Johnson</i>	

<i>Commissioner District 1</i>	<i>Donna Hall</i>	<i>3 years</i>
<i>Commissioner District 2</i>	<i>Fran Andrews</i>	<i>2 years</i>
<i>Commissioner District 3</i>	<i>Warren Dixon</i>	<i>1 year</i>
<i>Commissioner District 4</i>	<i>Robby Davis</i>	<i>3 years</i>
<i>Commissioner District 5</i>	<i>Lynn Qualls</i>	<i>2 years</i>
<i>At-large Members</i>	<i>Bill Johnson</i>	<i>1 year</i>
	<i>Mac Whatley</i>	<i>3 years</i>
	<i>Bill Ivey</i>	<i>2 years</i>
<i>Alternate Member</i>	<i>Robin Hankins</i>	<i>3 years</i>

*On motion Frye, second by Haywood, the Board voted unanimously to appoint Hal Johnson as Chairman of the Historic Landmark Preservation Commission and Fran Andrews as Vice Chair.*

### **Approval of Aging Services Matters**

Candie Rudzinski, Chair-Aging Services Planning Committee (ASPC), reported that the ASPC has approved a recommendation for the Home and Community Care Block Grant (HCCBG) allocations for FY 2008-2009, totaling \$724,743. She asked the Board to approve the funding plan. She also said that the Randolph County Senior Adults Association has served as the Lead Agency for HCCBG funds since 1995 at the pleasure of the County Commissioners. The ASPC will review the Lead Agency status to determine if a change is in order. In the meantime, in order to continue to receive HCCBG funds, Ms. Rudzinski asked the Board to appoint the Senior Adults Association as the temporary Lead Agency. She also asked that the Board accept additional/supplemental funding, should it become available, and to allow the Aging Services Planning Committee to decide how to allocate these funds, as appropriate, according to the existing "Policy for Distribution of Aging Services Funding." Finally, Ms. Rudzinski presented a slate of names and asked the Board to appoint the membership of the Aging Services Planning Committee.

*On motion of Frye, seconded by Haywood, the Board unanimously 1) approved the HCCBG Funding Plan, as indicated on Form DOA-731, requesting a total of \$724,743 for fiscal year 2008-2009; 2) appointed the Randolph County Senior Adults Association, Inc. as the temporary Lead Agency for fiscal year 2008-2009, as indicated on Form DOA-730; 3) agreed to accept additional/supplemental funding, should it become available, and to allow the Aging Services Planning Committee to decide how to allocate these funds, as appropriate, according to the existing "Policy for Distribution of Aging Services Funding;" and 4) appointed members to the Aging Services Planning Committee, as recommended and as follows: Sandra Allen, Betty Bunting, Adrienne Calhoun, Charlie Casper, Kendria Eckhard, Brett Edkerman, Janet Henley, RN, Ann Hoover, Betty Hunt, Duffy Johnson, Rev. Ralph Kraft, Addie Luther, John McCormick, Marion McIntosh, Don Monroe, Billie Nance, Joy Ratliffe, Candie Rudzinski, Dr. Ann Suggs, Carolyn Vickrey, Emma Washington, Richard Wells and Gail Gurley.*

### **Approval to Purchase Building for RCC**

Dr. Robert Shackleford, Randolph Community College President, asked the Board to consider the purchase of a building owned by Klaussner Furniture Ind., located at 413 Industrial Park Ave., Asheboro, in order to develop the facility into a major instructional center. Dr. Shackleford said that the tax value on the 4.3-acre facility is \$930,820. The owner has offered the site to the County for \$850,000. Dr. Shackleford said that the nearly 46,000 sq. ft. building can be renovated to address all of the college's needs immediately at a much less cost than if a new building is constructed. The property, when renovated, can accommodate RCC's early college high school program, give other departments some much needed expansion space and help meet RCC's changing needs for new programs.

*On motion of Kemp, seconded by Frye, the Board voted unanimously to approve the purchase of a*

*building and property located at 413 Industrial Park Avenue, Asheboro, from Klaussner Furniture Ind. for use by Randolph Community College at a cost of \$850,000, and Budget Amendment #55 to account for the appropriation from Fund Balance, as follows:*

<b>2007-2008 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #55</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Appropriated Fund Balance</i>	<i>\$850,000</i>	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Education</i>	<i>\$850,000</i>	

### **Bid Award for Tax Software**

Debra Hill, Tax Administrator/Collector, said that pursuant to N.C.G.S. 143-129.8, which addresses the purchase of information technology goods and services, Randolph County issued a request for proposals for a tax billing/collections system with an integrated CAMA (Computer Assisted Mass Appraisal) system on July 16, 2007. Under NCGS 143-129.8, information technology procurements should be based on the “best value” method. This means the selection of a contractor will be determined where the trade-off between price and performance are evaluated using quality as an integral performance factor.

Annette Crotts, IT Director, said that the Randolph County Tax Department has used silo applications for years to manage its workload. While the software has assisted them greatly, it also limits employee productivity. Tax billing/collections run on the PICK system and is over 25 years old. It has not been supported by a vendor since the early 1980s. This puts a tremendous work load upon the technical staff to manage and program mandated changes/enhancements. CAMA currently runs on an AS/400. Since so few customers remain on the AS/400 platform, support from the vendor is limited to just a few knowledgeable staff positions. Newer versions of this software utilize an Oracle database instead of our preferred SQL database. Vehicle billing is a PC server-based product that is supported by Tax Equity Consultants (TEC). Ambulance billing, supported by EMS Consultants, is another stand alone PC server-based product.

Randolph County has found that separate vendor solutions often hinder collection enforcement. Each of the aforementioned systems has its own operating platform resulting in different data formats. Interfacing data between the systems requires manual procedures to make the data more capable. The Technology Policy Team proposed, in 2004, that all future software products: ensure the elimination of silos, allow for efficient data capture, provide enhancements to existing software, allow access to new technology features, and allow seamless data access methods without conversion requirements. Randolph County requested bids that met these requirements and mandated that the software be currently in use within North Carolina. Randolph County also requested that all pricing be valid for at least 24 months to allow adequate time to evaluate the bids and/or allow for phase implementation. Additionally, Randolph County reserved the right to award the proposal in-whole or in-part any modules or combination of modules. The following proposals were received:

<b>Vendor Information:</b>	<b>EGTS/STI (FL)</b>	<b>Tyler (ME)</b>	<b>IIS/NCACC (NC)</b>	<b>Patriot (MA)</b>	*(rounded to the nearest whole dollar amount)
Tax Billing/Collections	475,000	277,700	30,000	188,000	
CAMA	650,000	227,025	124,161	101,000	
Other Services	340,000	673,250	928,707	683,700	
Hardware/OS	188,374	38,630	114,662	*34,331	
Total	1,653,374	1,216,605	1,197,530	*1,007,031	
1 <sup>st</sup> year maintenance costs	243,000	111,155	98,092	84,400	
Grand Total	1,896,374	1,327,760	1,295,622	*1,091,431	

*Note: No vendors quoted an integrated Ambulance Billing/Collection system as part of their proposal.*

The low bid vendor, Patriot, does not meet our specifications of having existing NC customers. Two vendors, Tyler and IIS/NCACC, were very competitive. Randolph County is concerned that Tyler does not use the abstract approach that combines property for collections enforcement as described in GS 105-355 & 356. Without this feature, we fear a negative impact on our collection rate. Per our proposal, IIS/NCACC has agreed to convert their Oracle-based CAMA software to use SQL instead. This conversion is expected in 2009. Therefore, IIS/NCACC was deemed “best value” for Randolph County. A breakdown of IIS/NCACC’s bid follows:

<b>Vendor: IIS/NCACC</b>	<b>Billing/Collection</b>	<b>CAMA</b>	<b>NCACC Fee (Estimated)</b>
Software	30,000	124,161	
Other Services	383,832	544,875	
Hardware/OS	85,697	28,965	
Total	499,529	698,001	
1 <sup>st</sup> Yr Maintenance. Costs	40,000	58,092	25,000
Grand Total	539,529	756,093	

Due to the extensive nature of converting massive amounts of data and IIS/NCACC’s assurance to convert CAMA to a SQL server-based product in 2009, Ms. Crotts asked the Commissioners to award this bid in phases. First, award \$539,529 to IIS/NCACC for a tax billing/collections application while retaining the right to award a SQL server-based CAMA software package within the next 24 months at \$756,093, as phase two. Ms. Crotts said that the Technology Policy Team unanimously approved this recommendation on May 21, 2008. She said that funds are currently available within the Strategic Technology Project Fund to cover these expenses.

*On motion of Haywood, seconded by Kemp, the Board voted unanimously to award the bid for Tax Software to IIS/NCACC at a cost of \$539,529, to authorize the County Manager to negotiate and sign the contract, to retain the right to award CAMA software to IIS/NCACC within the next 24 months and to approve Budget Amendment #4 to the Technology Capital Project Ordinance, as follows:*

<b>2007-2008 BUDGET ORDINANCE—Technology Capital Project Ordinance—AMENDMENT #4</b>		
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
Tax Billing Software	\$39,529	
Tax Appraisal Software		\$39,529

#### **Public Hearing on Regalwood Drive Closing; Adoption of Order to Close Road**

Aimee Scotton, Assistant County Attorney, said that the Board of Commissioners has been requested to permanently close a portion of Regalwood Drive. She said that N.C.G.S. 153A-241 prescribes the procedure for closing a public road. The first step requires that the Commissioners adopt a resolution declaring its intent to close the road and calling for a public hearing, which was done at the May Commissioners meeting. The public hearing has been duly advertised and each adjoining property owner has been duly notified.

At 5:00 p.m., Chairman Holmes opened the public hearing, and hearing no comments, closed the public hearing.

*On motion of Frye, seconded by Haywood, the Board voted unanimously to approve the following order to close Regalwood Drive:*

***WHEREAS**, the Randolph County Board of Commissioners received a request to permanently close the following section of Regalwood Drive:*

*From its intersection with NC Highway 62 to its intersection with Regalwood Court; and*

***WHEREAS**, on May 5, 2008, the Randolph County Board of Commissioners adopted a resolution declaring its intent to close said street or easement and set a public hearing on the issue for June 2, 2008, all in accordance with North Carolina General Statute §153A-241; and*

***WHEREAS**, notice of the proposed closing and public hearing were prominently posted in two places along said road; and*

***WHEREAS**, a copy of the resolution was sent by registered or certified mail to each owner as shown on the county tax records of property adjoining said road or easement; and*

***WHEREAS**, notice of the public hearing set by the Randolph County Board of Commissioners on June 2, 2008 was published once a week for three successive weeks before the hearing; and*

***WHEREAS**, the Randolph County Board of Commissioners has determined through the public hearing that the closing of the aforesaid street is not contrary to the public interest and that no individual owning property in the vicinity of said street would be deprived of reasonable means of ingress and egress to his property;*

***NOW THEREFORE, BE IT ORDERED** by the Randolph County Board of Commissioners the above-referenced portion of Regalwood Drive be permanently closed and that all right, title, and interest in its respective rights-of-way is vested in those persons owning lots or parcels of land adjacent to the street or easement.*

***BE IT FURTHER ORDERED** that a certified copy of this Order shall be filed in the Register of Deeds Office.*

#### **Approval to Construct Building for Sheriff's Office**

Col. Allen McNeill, Chief Deputy—Randolph County Sheriff's Office, requested the Board's permission to begin the planning phase of a project to build a new building on County property located between the Sheriff's Office's current storage building and the jail. Specifically, the building would be built in the wooded area on the left hand side of New Century Drive just south of the current Sheriff's storage building/lot and would house the Special Units Division of the Sheriff's Office, accommodating 19 employees initially with expansion potential. This would move 10 employees who are currently housed in the Emergency Services/911 building downtown, thus freeing up much needed space for Emergency Services. The other nine employees would be moved from the Sheriff's Office at 727 McDowell Road to this new building and would allow for all of the employees of the Special Units Division to be housed under one roof. He also asked permission to begin seeking bids for the design of the building. In addition, he asked the Board's approval to use Law Enforcement Restricted Funds, saying that he believed the building can be built for under \$300,000. All bids received would be presented to the Board for its consideration at a later date.

*On motion of Frye, seconded by Lanier, the Board voted unanimously to grant permission to the Sheriff's Office to construct a building on County property to house the Special Units Division, to approve the use of Law Enforcement Restricted Funds to pay for the design of the building, to authorize the Sheriff, Chief Deputy and County Manager to negotiate a contract for the design of the building and to authorize the County Manager to sign the contract.*

#### **Approval of Budget Amendment (Changes in Emergency Telephone Fund)**

Assistant County Manager/Finance Officer Will Massie said that the Emergency Telephone System Fund is required to account for both the original 911 wireline telephone tax and the later wireless surcharge. Eligible program costs were somewhat different for each tax and had to be accounted for separately. After the state's legislation to combine the wireline and wireless taxes, which took effect January 1, 2008, it is no longer necessary to track these costs separately. As a result, costs can be identified by function rather than by revenue source.



Since the inception of the 911 Emergency Telephone System, the setting up and maintenance of the County's road signs has been a function of the Public Buildings Department and a cost of the General Fund. Up to this time, it could not be paid with either the 911 telephone tax or the wireless surcharge. In February, the 911 Board redefined which costs were eligible and included sign maintenance costs, retroactive to the effective date of January 1, 2008. Mr. Massie recommended transferring the sign maintenance program out of the General Fund to the Emergency Telephone Fund. Mr. Massie noted that this will not impair the resources available to the Emergency Telephone Fund to meet its public safety obligations.

The following budget amendment is for two reasons. First, to create service areas for the new unified 911 tax (911 Services and Information Management) and shift six month's budget away from the wireline and wireless budgets; second, to transfer the sign maintenance program from the General Fund to the Emergency Telephone System Fund.

*On motion of Haywood, seconded by Kemp, the Board voted unanimously to approve Budget Amendment 56, as follows:*

<b>2007-2008 BUDGET ORDINANCE—EMERGENCY TELEPHONE SYSTEM FUND AMENDMENT #56</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Appropriated Fund Balance</i>	<i>\$50,000</i>	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Wireline</i>		<i>\$240,000</i>
<i>Wireless</i>		<i>\$220,000</i>
<i>911 Services</i>	<i>\$160,000</i>	
<i>Information Management</i>	<i>\$300,000</i>	
<i>Sign Maintenance</i>	<i>\$50,000</i>	

#### **Bid Award for Sign Maintenance Truck and Budget Amendment**

James Chriscoe, Maintenance Department Director, said that pursuant to NCGS. 143-129 quotes were obtained for the purchase of a truck for the installation of road signs for the Maintenance Department. Currently, two technicians are required to replace a road sign. The proposed truck purchase would allow one worker to maintain the signs, thus improving productivity. These quotes are for one 2008 F-450 Ford 4 x 4 chassis truck with an installed KNAPEIDE standard model bed with electric crane and accessories for the installation of sign posts. The bed with crane system is a state contract price. Quotes follow:

<b>VENDOR</b>	<b>2008 F-450 4 X 4 Truck TOTAL</b>
Montgomery Motors	\$33,460.00
Capital Ford	\$41,815.00
Asheboro Ford	Called / NO QUOTE

  

<b>Bed w/ELECTRIC CRANE SYSTEM</b>	<b>TOTAL</b>
KNAPEIDE Manufacturing Co.	\$18,619.00 (State Contract Price)

Mr. Chriscoe recommended that the Board award the bid to Montgomery Motors for \$33,460 for the purchase of the truck and to KNAPEIDE Mfg. Co. for \$18,618 for the installation of the bed and crane system. The total cost for both would be \$52,078.

*On motion of Lanier, seconded by Frye, the Board voted unanimously to award the bid for the sign maintenance truck to Montgomery Motors for \$33,460 and to KNAPEIDE Mfg. Co. for \$18,618 for the installation of the bed and crane system and to approve Budget Amendment #57, as follows:*

<b>2007-2008 BUDGET ORDINANCE—GENERAL FUND—AMENDMENT #57</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Appropriated Fund Balance</i>	\$52,078	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Sign Maintenance</i>	\$52,078	

#### **Bid Award for RCOB Roof and Budget Amendment**

Audrey Alexander, County Purchasing Agent, said that pursuant to NCGS. 143-129 proposals were received for replacing the roof at County Office Building. This request was for a rubber roofing system that carries a 30-year no fault warranty. Bids are as follows:

<b>Vendor</b>	<b>Roof Replacement</b>	<b>Reflective Coating</b>	<b>TOTAL COST</b>
Martin Roofing Services	\$147,063.00	\$11,646.00	\$158,709.00
McRae's Roofing	\$155,989.00	\$27,662.00	\$183,651.00
Radco Construction	\$165,000.00	\$20,000.00	\$185,000.00

Ms. Alexander said that the proposals received had also been reviewed by James Chriscoe, the Maintenance Department Supervisor, and references provided by the contractors had been contacted and a time line to begin the replacement of the roofing system had been outlined. She also said that the Maintenance Department has identified funds within their budget to proceed with the replacement of the roof for the County Administration Building. Ms. Alexander recommended that the Board award the bid for the roof replacement only, excluding the reflective coating, on the Randolph County Administration Building at a total cost of \$147,063 to Martin Roofing Services, Inc.

*On motion of Frye, seconded by Kemp, the Board voted unanimously to award the bid for a replacement RCOB roof to Martin Roofing Services, Inc. for \$147,063.*

#### **Approval of Piedmont Triad Regional Water Authority Documents Concerning Construction and Financing of Water Treatment Plant**

*On a motion of Haywood, seconded by Frye, the board voted unanimously to approve a resolution concerning the County's obligations under its joint interlocal agreement with the Water Authority and other local governments, and authorized the County Manager and Finance Officer to sign the Signatory Certificate, as follows:*

*Resolution of Randolph County Concerning the County's Obligations under its "Joint Governmental Agreement" among the County, Piedmont Triad Regional Water Authority and other local governments*

**WHEREAS** –Randolph County (the "County") has previously entered into a "Joint Governmental Agreement"(the "Interlocal Agreement"), among the County, Piedmont Triad Regional Water Authority (the "Authority") and other local governments concerning the construction and financing of a water treatment plant and related facilities.

*The Authority is preparing to issue its approximately \$22,178,485 Water System Revenue Bond (the "2008 Bond") to Branch Banking and Trust Company (the "Bank"). The 2008 Bond constitutes "Revenue Bonds" within the meaning of the Interlocal Agreement. A draft of the 2008 Bond has been made available at this meeting.*

***BE IT RESOLVED by the Board of Commissioners of Randolph County, North Carolina, as follows:***

- 1. At the request of the Bank, and to induce the Bank to purchase the 2008 Bond, the County confirms its execution and delivery of the Interlocal Agreement and confirms its commitment to the Interlocal Agreement.*
- 2. At the request of the Bank, and to induce the Bank to purchase the 2008 Bond, the County acknowledges the following aspects of its obligations under the Interlocal Agreement:*
  - (a) Total net debt service payable by the Authority over the 20-year life of the 2008 Bond is approximately \$32,673,088. The County is required to pay a percentage of this debt service. As provided in the Interlocal Agreement, the County's share of the 2008 Bond net debt service is 64.21%, or a total of approximately \$20,981,340 with respect to the 2008 Bond. The average annual net debt service payable by the Authority on the 2008 Bond is approximately \$1,766,112; the County's 64.21% share of average annual net debt service is approximately \$1,134,126.*
  - (b) In addition, the County is contingently liable to pay up to 150% of its annual debt service requirement upon a failure to pay by any other participant. Increasing the County's approximate average annual debt service commitment to the 2008 Bond to 150% produces the annual amount of approximately \$1,701,189.*
  - (c) The Interlocal Agreement also calls for the County to pay other amounts toward the operation and maintenance of the Authority's water utility facilities, as more fully defined in the Interlocal Agreement. The County's estimated total average annual payment to the Authority over the next 20 years is approximately \$1,455,427, but this is only an estimate; the actual annual payments may be higher or lower.*
  - (d) The Interlocal Agreement provides that so long as the County does not have a water and sewer system, the County is required to maintain unencumbered revenues derived from sources other than exercise of its taxing powers sufficient to satisfy its "Payment Obligations" to the Authority, as defined in the Interlocal Agreement. Under the Interlocal Agreement, the County's "Payment Obligations" include both the requirements for debt service on the 2008 Bond as described above, and also payments to provide for the Authority's operating expenses.*
  - (e) The Interlocal Agreement provides that once the County has a water and sewer system, the County cannot make a pledge or other commitment of its water and sewer system revenues to other County contracts or debt service that takes precedence over the commitment of those revenues to payments under the Interlocal Agreement*
  - (f) Under the Interlocal Agreement, the County is required to operate its water and sewer system (once the County has such a system) as an enterprise fund, to charge rates and fees related to the water and sewer system such that sufficient revenues are generated to pay all costs of operating and financing the County's own water and sewer system and to satisfy the County's "Payment Obligations" to the Authority, as defined in the Interlocal Agreement. Under the Interlocal Agreement, the County's "Payment Obligations" include both the requirements for debt service on the 2008 Bond as described above, and also payments to provide for the Authority's operating expenses.*

*The Bank, as the owner of the 2008 Bond, is authorized under the Interlocal Agreement to enforce the County's covenants and obligations under the Interlocal Agreement, including those described in paragraphs (e) and (f) above. This means, for example, that the Bank could require the County to raise rates, fees and charges for the County's water and sewer system if the County was not operating the system as required by the Interlocal Agreement.*

***Certificate of Randolph County Concerning Joint Governmental Agreement with Piedmont Triad Regional Water Authority***

*The undersigned County Manager and Finance Officer of Randolph County, North Carolina (the "County"), certify as follows:*

1. *We are the duly appointed and serving officers of the County as indicated beneath our signatures at the end of this Certificate.*
2. *We have examined the "Joint Governmental Agreement" (the "Interlocal Agreement"), among the County, Piedmont Triad Regional Water Authority (the "Authority") and other local governments concerning the construction and financing of a water treatment plant and related facilities. We are familiar with the County's books, records and affairs, and the County's obligations under the Interlocal Agreement.*
3. *The County's entering into the Interlocal Agreement has been duly authorized by the County's governing Board of Commissioners. The County has duly authorized, executed and delivered the Interlocal Agreement.*
4. *We understand that in accordance with the terms of the Interlocal Agreement, the Authority is issuing its \$22,178,485 Water System Revenue Bond (the "2008 Bond") to Branch Banking and Trust Company (the "Bank"). The 2008 Bond constitutes "Revenue Bonds" within the meaning of the Interlocal Agreement. A copy of the 2008 Bond appears as an attachment to this certificate.*
5. *Total net debt service payable by the Authority over the 20-year life of the 2008 Bond is \$32,673,088. As provided in the Interlocal Agreement, the County's share of the 2008 Bond net debt service is 64.21%, or a total of \$20,981,340 with respect to the 2008 Bond. The average annual net debt service payable by the Authority on the 2008 Bond is approximately \$1,766,112; the County's 64.21% share of average annual net debt service is approximately \$1,134,126.*
6. *We understand the County is contingently liable to pay up to 150% of its annual debt service requirement upon a failure to pay by any other participant. Increasing the County's average annual debt service commitment to the 2008 Bond to 150% produces the annual amount of \$1,701,189.*
7. *We understand that the Interlocal Agreement also calls for the County to pay other amounts toward the operation and maintenance of the Authority's water utility facilities, as more fully defined in the Interlocal Agreement. The County's estimated total average annual payment to the Authority over the next 20 years is approximately \$1,455,427.*
8. *Pursuant to Section 4 of the Interlocal Agreement, so long as the County does not have a water and sewer system, the County is required to maintain unencumbered revenues derived from sources other than exercise of its taxing powers sufficient to satisfy its "Payment Obligations" to the Authority, as defined in the Interlocal Agreement. Under the Interlocal Agreement, the County's "Payment Obligations" include both the requirements for debt service on the 2008 Bond as described above, and also payments to provide for the Authority's operating expenses.*
9. *We further understand that the Interlocal Agreement provides that once the County has a water and sewer system, the County cannot make a pledge or other commitment of its water and sewer system revenues to other County contracts or debt service that would take precedence over the commitment of those revenues to payments under the Interlocal Agreement. Pursuant to Section 4 of the Interlocal Agreement, the County is required to operate its water and sewer system (once the County has such a system) as an enterprise fund, to charge rates and fees related to the water and sewer system such that sufficient revenues are generated to pay all costs of operating and financing the County's own water and sewer system and to satisfy the County's Payment Obligations to the Authority.*
10. *We understand that the Bank, as the owner of the 2008 Bond, is authorized under the Interlocal Agreement to enforce the County's covenants and obligations under the Interlocal Agreement, such as those described above in paragraphs 8 and 9 of this certificate.*
11. *The County understands the Bank is relying on this certificate in making its decision to purchase the 2008 Bond. The County intends and consents to the Bank's reliance.*

*Witness our signatures this 2nd day of June, 2008.*

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*Commissioner Frye left the meeting at this point and returned where so noted in these minutes.*

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### **Approval of New Fairgrove Fire Insurance District**

Aimee Scotton, Associate County Attorney, said that the N.C. Department of Insurance requires that the Board of Commissioners approves insurance district boundary lines. When the insurance districts were recently increased from five to six miles, there were 87 parcels in the Fairgrove Tax District District that were in the five-mile insurance district, but were excluded from the new six-mile insurance district. Now that Fairgrove has completed its new substation, those 87 parcels can be moved into the new insurance district, along with 13 additional parcels that are not currently in any insurance or tax district. Ms. Scotton presented a list of the affected parcels and noted that this does not affect the tax district in any way. The Board's action will simply be approving the inclusion of these parcels in the insurance district so that the property owners can receive a discount on their homeowners' insurance.

*On a motion of Haywood, seconded by Lanier, the Board voted unanimously (4-0) to approve the new Fairgrove Fire Insurance District, to include the 100 parcels, as presented.*

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*Commissioner Frye returned to the meeting.*

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### **Elect Voting Delegates for NACo Conference in Kansas City**

*On motion of Kemp, seconded by Haywood, the Board voted unanimously to elect Harold Holmes as the voting delegate for the 2008 NACo Conference and Richard Wells as the alternate.*

### **Announcement of County Assembly Day**

County Manager Richard Wells announced that County Assembly Day would be held in Raleigh on June 10. He said that he and the Chairman planned to attend.

### **Recess**

At 5:40 p.m. the Board took a brief recess and returned to regular session at 5:49 p.m.

### **Presentation of Proposed FY 2008-09 Budget**

Will Massie, Assistant County Manager/Finance Officer, presented the proposed FY 2008-2009 budget. Mr. Massie said that, unfortunately, the effect of increased debt service costs for schools, additional current expense to open the new high school, and the cost shifting of foster care costs prevents the County from maintaining the existing property tax rate. The proposed 2008-09 Proposed Budget requires a 56.50 cent property tax rate, a three-cent increase. The proposed tax rate is based on a total valuation of \$10,100,000,000, an increase of only 1% from last year. At the current valuation and collection rate, one cent on the tax rate produces \$981,720, compared to \$972,000 in 2007-08. To fund the entire requested budget this year, a property tax rate of 61.15 cents would have been necessary.

### **Recess**

At 6:15 p.m., the Board recessed and returned to regular session at 6:42 p.m.

### **Rezoning Public Hearing**

At 6:42 p.m., the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson presented the following requests, and Chairman Holmes opened the public hearing for comments on each request and closed it before taking action on the requests.

*Note: Commissioner Lanier recused himself from the first rezoning request for conflict of interest reasons.*

1. DONALD LANIER, Asheboro, North Carolina, is requesting that 55.14 acres located on Old NC Hwy 13 (approx. 1 mile north of Happy Hollow Road), Richland Township, be rezoned from RA to CVOE-CD. Tax ID#7677115196. Secondary Growth Area. The proposed Conditional Zoning District would specifically allow the development of a 34-lot residential subdivision for site-built homes and off-frame modular homes with a minimum house size of 1400 sq. ft. The Planning Board reviewed this request at public meeting on May 6, 2008, and unanimously recommended that this request be approved as consistent with surrounding growth patterns.

*The Planning Board found the following Policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:*

*Policy 6.13 Conventional residential subdivisions are anticipated of similar housing characteristics to the community.*

*Policy 6.14 Residential subdivisions should, in order to promote efficiencies in the delivery of urban services, be encouraged to develop in a fashion which minimizes "leap frog" development (i.e. leaving large vacant areas between developments).*

*Policy 6.22 New driveway connections should be designed in a way to minimize new locations on existing public roads.*

**Donald Lanier**, applicant, spoke in support of his request, saying that he was half-owner of the property.

*On motion of Haywood, seconded by Frye, the Board voted unanimously (4-0--Commissioner Lanier recused himself from voting) to approve the request of Donald Lanier, as determined consistent with policies contained within the adopted Growth Management Plan and outlined in the Planning Board recommendation.*

2. KENNETH & JANET LOFLIN, Denton, North Carolina, are requesting that 30.06 acres, located at the corner of Waynick Meadow Road/ Oak Grove Road, Concord Township, be rezoned from RA to RLOE-CD. Tax ID# 7608843847. Rural Growth Area. The proposed Conditional Zoning District would specifically allow the development of a 6-lot residential subdivision for site-built homes or off-frame modular homes with a minimum house size of 1500 sq. ft. The Planning Board reviewed this request at public meeting on May 6, 2008, and unanimously recommended that this request be approved.

*The Planning Board found the following Policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:*

*Policy 2.14 The County should encourage the use of rural lot subdivision designs in those areas where it is found necessary to maximize the infiltration of precipitation to a private well water field and insure sustainable groundwater supplies.*

*Policy 6.23 The County should encourage the use of rural lot subdivision designs where the size of lot allows for open space and groundwater recharge areas preserved by careful siting of the principal and accessory uses as noted through subdivision plat notations and related deed restrictions.*

*Policy 6.24 Each lot in a subdivision planned for single-family residential development should be designed to contain well and septic tank on the same lot as residence unless alternate system approved through "open space" clustering design.*

**Aweilda Williams**, 607 Back Creek Rd., Asheboro, said that she was speaking on behalf of the Loflins. She said that the owners intend for this subdivision to be very attractive because some family members will be living across the street.

*On motion of Kemp, seconded by Frye, the Board voted unanimously to approve the request of Kenneth and Janet Loflin, as determined consistent with policies contained within the adopted Growth Management Plan and outlined in the Planning Board recommendation.*

3. BRANDON JENNINGS, Randleman, North Carolina is requesting 1.86 acres located at 2194 NC Hwy 49 South, Cedar Grove Township, be rezoned from HC-CU to HC-CD. Primary Growth Area. Tax ID# 7639689801. It is the desire of the applicant to amend the existing Conditional Zoning to include retail propane sales. The property is currently zoned to allow a landscaping supplies and materials business. The Planning Board reviewed this request at public meeting on May 6, 2008, and unanimously recommended that this request be approved.

*The Planning Board found the following Policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:*

*Policy 4.3 Rural area commercial development should be limited to neighborhood business uses, farm supply stores, and generally accepted rural business establishments.*

*Board of Commissioner Resolution Adopting the Growth Management Plan, Policy #4. Recognize that growth management policies should afford flexibility to County boards and agencies that will enable them to adapt to the practical requirements often necessary for rural development.*

*Policy 6.22 New driveway connections should be designed in a way to minimize new locations on existing public roads.*

Mr. Johnson said that there was a temporary sign located on the property that should be moved. Also, the plantings that Mr. Jennings planted as a buffer had died, probably due to the drought last year, but has now replanted. There is also a propane tank on the property that is in violation of his conditional use zoning permit. Mr. Jennings is asking the Commissioners to amend the permit to allow the propane tank and retail propane sales.

**Brandon Jennings**, applicant, spoke in support of his request, saying that he didn't know he had to be rezoned in order to have a propane tank.

Commissioner Kemp said that he had been contacted by an adjoining neighbor about some other concerns and recommended the following:

1. the temporary sign should be removed from the property and replaced with a permanent, more attractive sign
2. the storage trailer containing pine straw should be removed and replaced with a more attractive permanent structure because the trailer was not approved in the original zoning
3. the temporary power pole should be removed

Commissioner Haywood said that if the trailer was not specifically excluded in the original zoning, he didn't think the Board could require him to remove it, but also added that he thought the Planning staff should take a look at this for possible inclusion in our zoning ordinance.

Mr. Jennings said that he had to have the trailer there to store his pine straw and other equipment that he locks up at night. He said that eventually he can move the trailer to the back of his property where it will be less noticeable.

*On motion of Lanier, seconded by Haywood, the Board voted 3-2, with Frye and Kemp opposing, to approve the request of Brandon Jennings, as determined consistent with policies contained within the adopted Growth Management Plan and with the following conditions: 1) the temporary sign must be*

*removed from the property and replaced with a permanent, more attractive sign, and 2) the temporary power pole must be removed.*

**Closed Session--Personnel**

*At 7:20 p.m. on motion of Frye, seconded by Kemp, the Board voted unanimously to go into closed session to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee, pursuant to N.C.G.S. 143-318.11(a)(6).*

**Regular Session Resumed**

At 7:43 p.m., the Board returned to regular session.

**Adjournment**

At 7:43 p.m., there being no further business, the meeting adjourned.

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J. Harold Holmes, Chairman

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Darrell L. Frye

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Phil Kemp

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Stan Haywood

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Arnold Lanier

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Cheryl A. Ivey, Clerk to the Board